

REMARKS

Claims 1, 2, and 7-26 are pending in the application upon entry of the amendments and new claims. Claims 1, 7, 11-13, 16, 17 and 20-22 have been amended for consistency and to more particularly describe certain aspects of the invention. Claims 23-26 have been added to further describe the invention. Claims 3-6 have been cancelled. Favorable reconsideration in light of the amendments, the new claims, and the remarks which follow is respectfully requested.

The Amendments and Allowable Subject Matter

The Examiner's indication that claim 6 contains allowable subject matter is noted with appreciation.

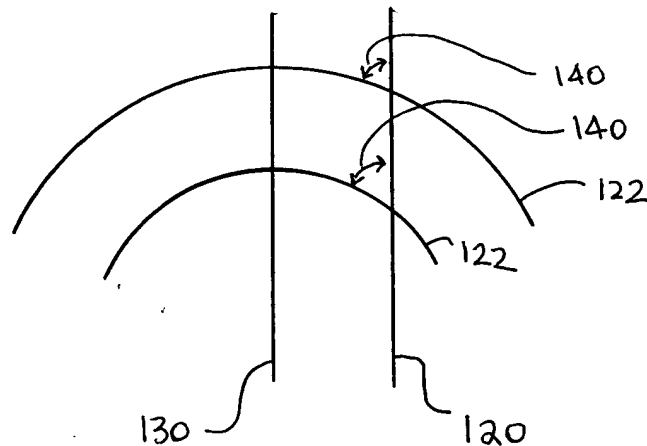
Claim 1 has been amended to include the allowable subject matter. New claim 23 also includes the allowable subject matter, except that the waveguide intersects the second portions of the waveguides (complimentary to the subject matter of original claim 5). Independent claims 16 and 20 have been amended to generally include the allowable subject matter. New claims 24-26 generally correspond to original claims 7, 11, and 15. Support for the amendments and new claims exists in the specification and original claims.

Objection to the Specification

The specification has been objected to for the apparent inability of the optical integrated circuits (OICs) to have waveplate-waveguide intersection angles between 70 and 90 degrees, as described on page 10 and Figure 5 of the specification. Applicant respectfully disagrees.

First, the angle at issue is represented by arrowed lines 140a, 140b, and 140c. The angles measure the relative positioning of the waveplate 120 to waveguides 122a, 122b, and 122c. The waveguides 122 are curvilinear in shape and if continued off of the page would form a circle having an apex (from the perspective of an observer looking at the page) where line 130 intersects them. That means that portions of

waveguides 122 on the left side of line 130 slope to the "southwest" while portions of waveguides 122 on the right side of line 130 slope to the "southeast". Waveplate 120 is substantially parallel to line 130, and positioned to the right of line 130. Therefore, the angle of the waveplate 120 to waveguides must be less than 90 degrees. An exaggerated freehand drawing appears below to further this point (the curvilinear nature of the waveguides is increased to ease understanding).



The Art Rejections

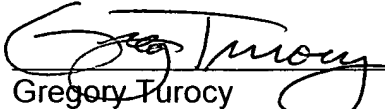
Claims 1-5 and 7-22 have been rejected under 35 U.S.C. § 102(b) over Inoue et al. Claims 1, 3-5, 11, 13-16, and 18-20 have been rejected under 35 U.S.C. § 102(b) over Ando et al. Claims 1, 3-5, 11, 13-16, and 18-20 have been rejected under 35 U.S.C. § 102(b) over EP 0818 695 A2. Since the independent claims have been amended to include the allowable subject matter, these rejections are rendered moot.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, such as the fee for one additional independent claim for a small entity (\$42), the Commissioner is authorized to charge those fees to our Deposit Account No. 50-1063.

Respectfully submitted,

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